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Paper No. 17

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FEB 05 2004

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2100

In re Application of: Solomon )  
Application No. 09/082,663 ) **DECISION ON PETITION TO**  
Attorney Docket No. 97-125 ) **WITHDRAW HOLDING OF**  
Filed: May 21, 1998 ) **ABANDONMENT UNDER 37 CFR**  
For: METHOD AND APPARATUS FOR ) **§1.181**  
EMULATING A DEVICE WITHIN A )  
DATA PROCESSING SYSTEM )

This is a decision on the request for reconsideration, filed August 12, 2002 under 37 CFR §1.181 requesting the Withdrawal of the Holding of Abandonment of the above-identified application. The original petition was dismissed on June 12, 2002. This application was held abandoned for failure to respond to the Office action mailed June 5, 2000 (Paper No. 7). A Notice of Abandonment was mailed on March 12, 2001 (Paper No. 8). The petition was dismissed based upon insufficient explanation of the practitioner's docket records and practice. The timeliness of the petition was also raised.

In support of this request, applicant's representative provides clarifying statements regarding the firm's docketing practices and annotations; a terminal disclaimer; and a copy of a response to the June 5, 2000 Office action. The practitioner's cumulative evidence overcomes the presumption of receipt.

The petition is **GRANTED**. The holding of abandonment is withdrawn.

The application is being forwarded to the Technology Center's Technical Support staff for processing of the terminal disclaimer and the amendment submitted in conjunction with this request for reconsideration.

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